THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No. 22995 of 2007

Dated: 13-11-2007

Between:-

Bandaru Chandravathi and two others.

..Petitioners

And

The District Collector,
East Godavari district,
Kakinada and two others.

..Respondents.

THE HON'BLE SRI JUSTICE V. ESWARAIAH

W.P.No.22995 of 2007

:O R D E R:

The petitioners' question the resumption order dated 22-08-2007 in proceedings Ref No. A/298(1/20)/2007 passed by the Tahasildar, I.Polavaram mandal, East Godavari district ordering for the resumption of the lands in an extent of Ac.05-47 cents in survey No. 437/1, T. Kothapalli village, I. Polavaram mandal, East Godavari district on the ground that they are the assigned lands in favour of one Nadimpalli Suryanarayana Raju, Ex-serviceman in the year 1957 and the same has been sold in 1959 to Vegiraju Narayana Raju from whom the brother of the petitioner has purchased the said lands.

It is the case of the petitioners that the assignment

was not made in the year 1957, but prior to the year 1957 and therefore the first alienation was only after ten (10) years.

Learned Government Pleader appearing for the respondents submits that an appeal is provided to the Revenue Divisional Officer against the order impugned.

In the circumstances of the case, without expressing any opinion on the merits of the case and since a statutory appeal under Section 4 (1) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 is available; it is appropriate to direct the petitioners to avail the alternative remedy of appeal.

Accordingly, the writ petition is dismissed granting liberty to the petitioners to file an appeal against the order impugned, within ten (10) days from today, before the appellate authority – The Revenue Divisional Officer, Amalapuram, East Godavari district. If any such appeal is filed within ten days as directed, the *status-quo* obtaining as on today with regard to the possession shall be maintained pending disposal of the appeal. No costs.

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V. ESWARAIAH, J

Dated: 13-11-2007.
Pvks/*

Nb:- Furnish c.c. in three days.
B/o pvks